

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BANK OF AMERICA CORP.  
AUCTION RATE SECURITIES (ARS)  
MARKETING LITIGATION,

MDL No. 09-02014 JSW

This document relates to: ALL CASES

**ORDER RE CASE  
MANAGEMENT CONFERENCE**

Having received and considered the parties' Joint Case Management Conference Statement, it is HEREBY ORDERED:

1. The Case Management Conference scheduled for Friday, April 10, 2009 at 1:30 p.m. is VACATED.
2. By separate Order, the Court shall refer all discovery matters in this case to a randomly assigned Magistrate Judge for resolution. Pending a further Order from this Court, discovery shall remain stayed in the *Independence Tube* litigation while the motion to dismiss is under submission.
3. The pending motions to dismiss in each of the three cases shall remain on calendar on June 19, 2009 at 9:00 a.m. If the Court finds any of the matters suitable for disposition without oral argument, it shall notify the parties in advance of the hearing date. The Court also requests that the parties in the *Independence Tube* litigation provide the Court with a copy of the Complaint and the briefs on the motion to dismiss by no later than April 13, 2009. Defendants in the *Twin Lane* action shall provide the Court with a copy of their opening brief and any supporting papers by no later than April 13, 2009, and the Plaintiffs in that case shall

1 provide the Court with a copy of the Complaint by that same date.

2 In the event Plaintiffs in the *Bondar* action file an Amended Complaint in response to  
3 Defendants' motion to dismiss, the *Independence Tube* and *Twin Lane* motions shall remain on  
4 calendar on June 19, 2009. However, the Court reserves its right to hear all three motions on  
5 the same date, and will notify the parties in advance of the June 19, 2009 date if it intends to  
6 exercise that right.

7 4. Plaintiffs in the *Bondar* action state that they anticipate filing a motion for class  
8 certification in that case. The Court concurs with Defendants that any motion for class  
9 certification should be filed after the *Bondar* case is at issue.

10 5. If the parties intend to enter into a Protective Order, it shall apply to all three  
11 actions and shall comply in all respects with Northern District Civil Local Rule 79-5.

12 6. At this time, the Court shall defer ruling on whether coordination or  
13 consolidation is more appropriate for this case.

14 7. A further case management conference shall be set for Friday, September 18,  
15 2009 at 1:30 p.m. A further case management conference statement shall be due on or before  
16 Friday, September 11, 2009.

17 **IT IS SO ORDERED.**

18  
19 Dated: April 7, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE